

## **REMARKS**

### ***GENERAL REMARKS***

Claims 27-29 have been withdrawn, and claims 1-26 and 30 are currently pending in the instant patent application.

Claims 1, 14, and 30 have been amended to identify that the database table is a single database table and to identify that the current version is different from the prior version and the current schema is different from the prior schema. Dependent claims have been amended merely for antecedent basis. The amendments do not add new matter and are fully supported by the originally filed disclosure at least by ¶¶ [0004]-[0005], [0008], [0013], and [0020].

### ***SECTION 102 REJECTIONS***

In the Decision on Appeal, the Board affirmed the Examiner's rejection of claims 1-11, 14-24 and 30 as being anticipated under 35 U.S.C. 102(b) by Hayashi (US 5,881,378). In response, Assignee contends that Hayashi fails to teach or suggest each and every claimed element of independent claims 1, 14, and 30 as amended.

#### ***A. Claimed Invention***

As amended, independent claims 1, 14, and 30 are directed to a method, a device and a system to receive a request to extract data from a single database table of a database. The single database table has a current version associated with a current schema and has a prior version associated with a prior schema. The current version is different from the prior version, and the current schema is different from the prior schema. The request is directed to the prior version of the single database table. As explicitly claimed, *data is extracted from the single database table based on the prior schema associated with the prior version.*

#### ***B. Analysis***

Hayashi fails to teach or suggest receiving a request to extract data from a single database having multiple versions and fails to then teach or suggest actually extracting

data from the single database based on a prior schema that is different from the current schema.

Instead, Hayashi is directed to a "derived database processing system" in which a derived database is "a partial collection of components of [multiple] databases." Col. 1:14-19, 6:17-19 and Fig. 1 (element 18); see also Abstract. As its goal, Hayashi's derived database appears to provide access to multiple databases as if they were a single database. Col. 3:59-61, 6:59-61, 10:14-27, and 15:55-16:18. Hayashi provides several examples of this form of use, for example, at col. 7:25-63 and Fig. 2 (*access to independently developed databases*), col. 7:64-8:65 and Fig. 3 (*access to a division database and a central database*), col. 8:66-9:25 and Fig. 4 (*access to databases having the same schema structure but operated differently*), col. 9:26-53 and Fig. 5 (*access to private and shared databases*), col. 9:54-10:11 and Fig. 6 (*access to a test database and a production database*). Yet, Hayashi fundamentally fails to teach or suggest receiving a request to extract data from a single database table having different versions and schemas, as claimed.

At most, Hayashi describes table schema, version, or definition information only in the context of determining whether a first or "new" definition is consistent with a second or "old" definition and, if such consistency is found, to replace the old definition with the new definition. See col. 16:53-17:9 and Fig. 11A; See also, col. 17:30-37 (*describing why a consistency check operation is useful*) and col. 20:59-21:9 (*describing a new definition operation in which only definition, not table data, is accessed and replaced*). In this regard, a "definition modification managing unit 71" in Hayashi merely manages old and new version definition information and the relation among them, and an "access selecting unit 77" merely allows before-modification (old version) or after-modification (new version) definition information to be selected when definition information is being accessed. Col. 16:53-62 and Fig. 11A & Col. 18:63-6, and Fig. 11A. Checking consistency between new and old definitions in Hayashi does not appear to teach or suggest extracting data from a single database table having multiple versions and schemas based on a prior schema as claimed.

To emphasize the fact that Hayashi fails to extract table data based on a prior schema of a prior schema of a single database table (as claimed), Hayashi explicitly

states that “access selecting unit 77 cannot be used by an application program which simultaneously accesses definition information comprising both new and old version definition information.” Moreover, as Hayashi further states, the unit 77 “can be used for verification of the new version definition information during the operation using the old version definition information.” Col. 18:63-19-5, Fig. 11A (emphasis added); *See also* Col. 19:40-20:8 and Figs. 12, 14A, 17A and 17B (*describing accessing table definition information but declaring that “this does not allow a new version to co-operate with an old version” – that is, data access operations use only the most recent consistent version of the table schema to retrieve or extract data from a table*).

Thus, although Hayashi describes accessing two versions of a table’s definition information, this access is done only for determining the consistency between the two definitions. Nowhere does Hayashi teach, describe, or fairly suggest actually extracting data from a single database table having different versions and schemas based on the prior schema of that single database table as claimed.

For at least these reasons, Hayashi fails to teach each and every element recited in independent claims 1, 14 and 30, as amended. Accordingly, Hayashi does not anticipate these claims, and the Assignee respectfully requests that the Examiner withdraw this rejection.

#### **SECTION 103 REJECTIONS**

The Examiner has rejected claims 12, 13, 25 and 26 as allegedly being unpatentable under 35 U.S.C. 103(a) over Hayashi in view of Herbert (US 6,366,917).

Each of claims 12 and 13 depend from independent claim 1 and are, therefore, patentable for at least the same reasons as is claim 1. Similarly, each of claims 25 and 26 depend from independent claim 14 and are, therefore, patentable for at least the same reasons as is claim 14. Accordingly, it is respectfully requested that the Examiner withdraw this rejection.

***CONCLUSIONS***

This paper is being filed in response to the Decision on Appeal mailed 06-JUN-2009 and is being filed with a Request for Continued Examination. The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application. Should any fees be due for any reason, the undersigned representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 501922, referencing 149-0170US.

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To facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration, and allowance of the claims.

Respectfully submitted,

**/Sean McDermott/**

Sean McDermott

Reg. No. 49,000

***Submitted Electronically Via EFS Web***

Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P.

Customer No. 29855

20333 SH 249, Suite 600

Houston, Texas 77070

Voice: 832-446-2400